IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A.S.

Writ Petition No.8l23 of 2005

Mr Narayandas D Tekchandani by LRs...Petitioner

vs

Ms Devibai Gokuldas by LRs and anr..Respondents

Mr S.S.Kulkarni for petitioner

CORAM: S.U.KAMDAR J.

Dated 30.ll.2005

P.C:

l. The present petition is challenging the order dated 27.7.2005 passed on Exh 7l. Upon Exh 7l mere direction is given that the decree as it is to be executed. The Commissioner was appointed to make report as to how the decree should be executed. It seems that the Commissioner has not been able to disclose details. The only ground of challenge in the present petition by the petitioner is that on 3.2.2005 an order was passed on Exh 6l by which Court Commissioner was appointed. It is therefore his contention that unless the order dated 3.2.2005 is complied with decree should not be executed and the decree should only be executed as provided under order dated 3.2.2005. Merely because Court Commissioner was appointed he could not make report is no ground for staying the execution of the decree. In my opinion the decree is required to be executed as it is. The order passed by the learned

Judge on Exh 7l requires no interference in the matter.

. Petition is accordingly dismissed with no order as to costs.